HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 21494 OF 2005

DATED: 9.10.2006

Between:

M/s Ishwariya Orchards and Plantation

… Petitioner

and

The Govt. of A.P. represented by
Secretary, Public Works Department and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.21494 OF 2005

ORAL ORDER:

The writ petition is filed asserting that the respondents have unlawfully dug a canal through the petitioner's land in Sy.Nos. 1 to 14 in Madanapalayam village, Sathyavedu Mandal, Chittoor District, without following the due process of law, under the provisions of the Land Acquisition Act, 1894 (for short 'the Act') or any other appropriate law and seeking appropriate relief in this context.

In the counter affidavit, the petitioner's title to the land is disputed. Learned counsel for the petitioner states that in the context of such factual disputes, these may more appropriately be adjudicated in a pending civil suit O.S.No.22 of 1998, pending on the file of the court of the V Additional District Judge, Tirupati.

In the circumstances, the writ petition is dismissed. The petitioner is at liberty to pursue its remedies in O.S.No.22 of 1998 on the file of the court of the V Additional District Judge, Tirupati or in any other civil proceedings, to establish its claim to title to the property, which is the subject matter of this writ petition. No costs.

GODA RAGHURAM, J

Date: 9.10.2006
cvm